

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ADAM HAWTHORNE,

Plaintiff,

v.

C/O GRINER, et al.,

Defendants.

Case No. 3:13-cv-00225-MMD-WGC

ORDER

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, see 28 U.S.C. § 1915(h), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (dkt. no. 1). Plaintiff did not pay the filing fee, nor did he submit an application to proceed *in forma pauperis* with a financial certificate and a copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2. Based upon review of the file, it does not appear that a dismissal without prejudice would affect materially the timeliness of a promptly filed new action.<sup>1</sup>

IT IS THEREFORE ORDERED that the Clerk of the Court shall send plaintiff a blank form for an application to proceed *in forma pauperis* for incarcerated litigants and a blank civil rights complaint form with instructions.

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<sup>1</sup>Plaintiff alleges that the events occurred between December 10, 2009 and March 2010. The two-year period of limitation applicable to civil rights actions pursuant to 42 U.S.C. § 1983 expired more than a year before plaintiff commenced this action on or around May 2, 2013. See Nev. Rev. Stat. § 11.190(4)(e). See also *Perez v. Seevers*, 869 F.2d 425, 426 (9th Cir. 1989) (per curiam).

1 IT IS FURTHER ORDERED that this action is DISMISSED without prejudice to  
2 plaintiff's commencement of a *new* action in which he either pays the filing fee in full or  
3 submits a complete application to proceed *in forma pauperis*, accompanied by a signed  
4 financial certificate and a statement of his inmate account. The Clerk of the Court shall  
5 enter judgment accordingly.

6 DATED THIS 20<sup>th</sup> day of June 2013.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE